



**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL, THE
COUNCIL SITTING AS THE REDEVELOPMENT AGENCY BOARD
AND THE PUBLIC FINANCING AUTHORITY**

WEDNESDAY OCTOBER 13, 2004

The regular meeting of the City Council, also sitting as the Redevelopment Agency and the Downtown Foundation Board, was called to order by Mayor/Chairman Stettler in the Council Chambers at 68-700 Avenida Lalo Guerrero, Cathedral City, California, on October 13, 2004 at 3:03 p.m. Roll Call was also taken for the Downtown Foundation Board.

ROLL CALL:

Present: Council Member Marchand, Mayor Pro Tem Pettis, Mayor Stettler

Absent: Council Members DeRosa, England

Mayor Stettler moved to excuse Council Members DeRosa and England, advising they both would be here later, motion carried without objection.

Let the record note that Council Member England arrived at 3:10 p.m. Also, let the record note that Council Member DeRosa arrived at 4:50 for the Closed Session.

The Regular meeting began at 6:33 p.m. and was opened by Mayor Stettler. Mayor Stettler asked Council Member Marchand to lead the Invocation. Prior to the start of the Invocation, Council Member Marchand offered some comments. "Before I do, (the Invocation) every once in a while when we stand before God we have to acknowledge when we have done wrong to others, and I have done wrong to Bill Beck. I spoke ill of him in a public situation, and Bill, I should have not done that, it was wrong of me. I ask for your forgiveness before God and this Council."

Mr. Beck "I still want to say what I want to say". Council Member Marchand "Bill, you are free to belabor me".

Council Member Marchand then offered the Invocation. Mayor Stettler, asked Mayor

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Pro Tem Pettis to lead the Flag Salute, reminding everyone to think of our youth who are in harms way.

CLOSED SESSION AGENDA:

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9, Subd. (b)
Number of Potential Cases: 3
2. PUBLIC EMPLOYEE EVALUATION pursuant to Government Code Section 54957.
Title of Position: City Manager
3. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6
Agency Negotiator: Donald Bradley, City Manager
Represented Employees: 1) Cathedral City Firefighters Association (CCFFA); 2) Cathedral City Police Officers' Association (CCPOA); and 3) Cathedral City Public Safety Management Association (CCPSMA);
4. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: Glenn Haas, Jeff Miller, Brian Hirzel and Cathedral City Police Officers Association vs. Cathedral City; Cathedral City Police Department; Stan Henry, Chief of Police; John Holcomb, Captain; Gregory J. Savelli, Lieutenant; Sandra Hatfield, Dispatch Supervisor, et al.
Case No.: United States District Court, Central District of California
Case No. EDCV 02-965
5. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: Scott Sharpe, Mark Fields, Rudy Salinas, Jay Horn, Karl Murashima, Owen Krings, Brian Hirzel, Albert Ruiz, Steve Williams, Paul Reindel, Glenn Haas, Nick Chapman, Gabriel Mendoza, Kelly Nava, Danny Anes, Dane Dickson, Mark Novy, Larry San Filipo, Jeremy Herrick, Ernie Vasquez, Tom Ferguson,
Jon Enos, John Fox, Andy Diaz, Albert Ochoa, Dewayne Hodge vs. City of Cathedral City, a municipal corporation; Stan Henry, Chief of Police; Captain John Holcomb, Captain Kevin Conner and Lieutenant Al Reshaw in their individual

capacity, and DOES 1 through 10, Inclusive

Case No.: United States District Court, Central District of California
Case No. CV 04 02931 (VBKx)[Class Action] Complaint for
Damages and Injunctive Relief Demand for Jury Trial

6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Charlene Sumpter**)
Property Location: Cathedral Canyon to the east, East Palm Canyon to the north and west of Buddy Rogers, south of officer David Vasquez Drive
Negotiating Parties: Redevelopment Agency and Bob Yari
Property Owners: Redevelopment Agency
Under Negotiation: Disposition of Property
7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Paul Shillcock**)
Property Location: East of Van Fleet Avenue, South of East Palm Canyon Drive; APN #'s 687-207-005 (Sousa) and 687-223-016 (Sanchez)
Negotiating Parties: Redevelopment Agency and BCN Developments, Inc.
Property Owners: Martin Sousa, et al; Jorge & Maria Sanchez
Under Negotiation: Disposition of Property
8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Paul Shillcock**)
Property Location: Southeast corner of Tortuga Road and Santoro Drive
APN # 670-372-008 through 016 and 670-373-008 through 036
Negotiating Parties: Redevelopment Agency and Howard Marguelas
Property Owners: Redevelopment Agency
Under Negotiation: Disposition of Property

CLOSED SESSION ANNOUNCEMENTS:

Deputy City Attorney Green advised there were no reportable actions out of Closed Session.

PUBLIC COMMENTS

Bill Cohen – Cathedral City. Mr. Cohen wanted to remind everyone for the need for volunteers for the COPS program, and also that he has T-Shirts for sale, made in the USA, they are \$15 and his phone number is 321-0148.

Alibaba Farzaneh – Rancho Mirage. Mr. Farzaneh wanted to update the Council on the K-Mart Building, saying he had brought a developer to the city who bought the building,

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and it will have 35,000 square feet of retail space – it will be landscaped, etc. It will go in three weeks to the Planning Commission as a conceptual design and will close escrow in January.

Mark Beuhler – Coachella Valley Water District. Mr. Beuler is here to extend a personal invitation to everyone to attend the October 20, 2004 Coachella Valley Water Symposium. Mr. Beuhler gave handouts to the City Clerk.

Greg Wetmore – Rancho Mirage. Mr. Wetmore is President/CEO of the Cathedral City Chamber of Commerce. Mr. Wetmore advise that the Big Buy Bonanza was a success, on a small scale, and they have two West Valley Chambers that would like to participate

next year. The last Chamber sponsored Candidates Forum will be October 26 at the Senior Center at 7:00p.m. The next mixer is October 21 at Cathedral Canyon Tennis and Golf Club. There will be a blood drive on November 6th, Golf Tournament December 2, and the Grand Opening of Gildas Club on Tuesday November 16 at 10 a.m. The Orion Awards are scheduled for Friday January 28, 2005.

Brad Fleener – Teacher and Swimming Coach at Cathedral City High School. He introduced Heather (last name inaudible on recording) and advised that they had formed a non-profit organization to raise money and are committed to getting a Cathedral City Community Pool, where everyone from 1-81 could participate. They have a great swim program at CCHS, however, they do not have facilities and must travel to Palm Springs for use of the pool, everyday. Mr. Fleener said that Heather would be here to report on their progress at future meetings.

Bill Beck – Cathedral City and owner of the Red Tomato/House of Lamb. “I have fought a long time, for 14 years just to stay in business. I thought that fight was over – But I was wrong. What I am about to tell you is the most appalling thing I have heard in years. My heart right now is pounding terribly. A member of this City Council, a person that two years ago I gave a fundraiser to, and my personal endorsement. I feel this was a big mistake at this date. Just when I feel our city leaders need voters respect, this City Council member, whose City business card he carries says ‘we celebrate business’, well this must be a joke with this person – he stands before a Stonewall Democratic meeting Of 50 or so people, members of which he is a member, and because I have signs in front of my restaurant that don’t agree with his feeling that they should be there, he had the audacity to address this group and tell them they should boycott the Red Tomato. I know he tried to apologize, but it’s too late. I ask you all, can you even phantom such a comment one of our City Council Members? All this crap, just how democratic is that? It’s just not right. I think he should be ashamed, he should step down from his chair, I truly do. One last comment, Bud England you are a breath of fresh air, and Chuck you are a breath of new air.”

Council Member Marchand- “I’m going to respond to 54954 (Govt. Code 54954) Mr. Beck, you have a perfect 1st Amendment right to call me every name in the book since ‘Biddy Morarity’ – however, Mr. Beck needs to also understand that in the discourse of

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politics people say things. I'm not going to resign Mr. Beck, because I have 50,000 constituents out there who don't want me to, nor am I going to put the city at expense with a special election because you're unhappy. I'm sorry you did not see fit to receive my apology in the spirit it was offered, but you know Mr. Beck, in the two years I have been on this Council you have never wasted an opportunity of come up to me and belabor me publicly, in front of witnesses, about the many things that have been done to you by the City, and Mr. Beck has now left, so I'll switch to the third person, Every time I have encountered him it's been some problem, I have been belabored publicly, on numerous occasions, I have had mutual acquaintances come to me and tell me that Mr. Beck has complained that I don't go to his restaurant often enough to please him. So I apologize to Mr. Beck for what I said, but maybe Mr. Beck, you should apologize for what you have said to our friends and mutual acquaintances for your complaints that I don't go to your restaurant often enough. It goes two ways – every story has two sides.

Walter McLaughlin –Cathedral City. I am the Treasurer of the Committee to Elect

George Stettler for Mayor, however, what I am about to say is my own personal opinion, my comments have not been reviewed, edited or approved by the committee or George Stettler. Last night, Ms. DeRosa proudly confirmed that she is indeed a Vice Chairman of the Palm Desert Chamber of Commerce. I received a flyer at my home from Ms. DeRosa, however there is one glaring omission in Ms. DeRosa's accomplishments. Ms. DeRosa fails to mention she is Vice President of the Palm Desert Chamber of Commerce. I appreciate that she might join the Palm Desert Chamber of Commerce to accommodate her employer, Southern California Edison, I don't believe that they require her to become Vice Chairman of Palm Desert Chamber. It is obvious, being on the Board of any organization requires a greater interest and a deeper commitment to the goals and objectives to that organization, much more than a regular business membership than one would take to represent ones employer. Ms. DeRosa is not just a member of the Board of Directors but the Vice Chair and potentially in line for the Chairmanship of the Palm Desert CC Board. Ms. DeRosa took a oath of office to serve the City of Cathedral City to the best of her ability, she also took an oath of office to serve the Palm Desert CC to the best of her ability. What if a new business is searching for a location in our desert & reviewing sites in both cities? If Ms. DeRosa recused herself from the discussion and decision from both Cathedral City and the Palm Desert CC, she does a disservice, neither is served by her. If she recused herself from only the Cathedral City or the Chamber then only one or the other is disserved. Which city gets her primary allegiance, Palm Desert or Cathedral City. Can she serve two cities simultaneously? There is an old saying that you cannot serve two masters. What about Wal-Mart? Wal-Mart and Sam's Club want to close their stores in Cathedral City and open new stores in Palm Springs and Palm Desert. How does Ms. DeRosa represent Cathedral City on the Palm Desert CC on this issue? Does she favor the move to Palm Desert to the detriment of Cathedral City? Does she favor Wal-Mart staying in Cathedral City to the detriment of Palm Desert?" Mayor Stettler advise Mr. McLaughlin that his speaking time was up.

Shilo Heerling – Cathedral City. Hermosillo Neighborhood Watch. The area has seen a

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no crime in the last two months on our street. We want to thank the Police in advance, who are going to order and install the Neighborhood Watch signs, which we are paying for through donations we have collected. Mr. Heerling is taking advantage of a pilot program in the Panorama Area that the city is sponsoring, wherein you can get reimbursed up to \$500 for replacing your some of your grass for desert landscape. He has been contacted by the Press Enterprise and Channel 2 wanting to report on the program, they had a trailer on CNN, and today, he was contacted by a radio talk show in Perth, Australia. He was then interviewed on this show. He was quite excited at the great P.R. the City was receiving from so far away!

Hearing no one else wishing to speak, Mayor Stettler closed Public Comments.

AGENDA FINALIZATION

Mayor Stettler advised that Item 9 on the Consent Agenda was being pulled and would be on the Agenda on October 27th Meeting.

COUNCIL COMMENTS

Mayor Stettler advised he is quite concerned about the lack of flu shots. He hasn't been able to locate much information, however, there is a web-site www.findaflushot.com and good luck. Call your personal physician to see where you might get a flu shot. Concert tomorrow night at the High School at 6:30 and he would also like to invite you to a football game, kids having it a little tough this year, but come on out and support the team. Boys and Girls Club are doing a great job for us. They just opened their fourth after school program at our new Rio Vista Elementary School. They invite you to come by for their open house which is on the 17th at 6 p.m. Our library is hosting an earthquake survival work shop on November 17 between 6 and 7 p.m. Our Public Works has done a terrific job at Century Park and Waste Management is hosting a complimentary continental breakfast on Saturday October 23rd at the park, all of you should come out and see the park.

Council Member England attended the Fire Prevention Open House last Saturday with the Pancake Breakfast and the "bikers" who were here for bikers week-end attended. They contributed money to fire department event, an awesome event. Come to the open house at the Boys & Girls club on the 20th of October at 5:30 p.m., they are doing a great job.

Council Member DeRosa advised that the publication *Americas 1st Choice* is now on e-mail if you want to receive it. There is no paper copy. She advised that the COPS have now joined the Chamber of Commerce. As a COP volunteer it takes 4-8 hours per month. I am proud and pleased to have worked on the pilot program on the water conservation with staff and CVWD, and she had spoke with Shilo today and he told her about the Australian radio program. Desert Samaritans – Betty Barker will be honored at the Dinner Dance November 21st. Desert Samaritans deals with the Senior

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Community. The company I work for dedicates a lot of time to Desert Samaritans , fixing lunch, grocery shopping, having garage sales for them to raise money, etc. Coach Fleener, I am going to contribute an additional \$500 to the pool, in honor of Vivian Enriquez who graduated last year and was a member of the Swim Team. She communicates with me regularly. The Safe Routes to schools in the 35th Avenue has been completed. During that time we "red curbed" some of the streets there and during that time our Bill Bayne (Engineering Dept.) came up with incredible creative solution to the problem in that area. There will be plenty of parking on the street for the families with children playing soccer at Nellie Coffman Middle School. One last item "Council has Policies and Procedures in place, and lack of leadership has allowed personal attacks from the dais, that is uncalled for, and inappropriate and further shows lack of leadership and I apologize."

Mayor Stettler " No need to apologize, it was a citizen making a comment, that is your opinion".

Council Member Marchand – "two announcements, but before I do that, let me thank all of you who are here tonight watching democracy unplugged, you could have been at home watching the debate, but you are here watching democracy raw and unvarnished." September 30th was the kick-off for the Concerts in the Council Chambers, it was a great cultural event and there will be more. This past Monday we rolled out a 2.7 million dollar energy package, where we will be putting a solar canopy on the Parking Structure – we are installing energy efficient lighting and we will be reducing electrical usage by 26%. I thank all city staff, Brad, Julie, Paul. We are committed to clean, green energy

MINUTES

Council Member Marchand moved approval of the minutes of from the adjourned City Council/RDA Board meeting held on July 14th, 2004, corrected minutes of the regularly scheduled City Council/RDA Board meeting held on Wednesday, September 8th, 2004 and the regularly scheduled City Council/RDA Board meeting held on Wednesday, September 22, 2004. Motion seconded by Council Member England, motion carried 5-0.

SCHOOL REPORTS

Received school reports presented by Melissa Torres and Stephanie Price, students from Cathedral City High School. The students told the Council that Mr. Mendoza advised that there are 2900 students on campus and that things are quiet and orderly. The students told of the upcoming events, Annual Home Coming would be on October 29th with a football game between CCHS and Coachella Valley High School. The students are also working on class floats and there will be a dance. They talked a little about the AVID class and their community service, they will be doing a Rummage Sale and a Car Wash.

The City Clerk advises that we had a complete failure of the recording system at this time. Attempts will be made to record a video from Time Warner Cable Channel 17.

PRESENTATIONS AND PROCLAMATIONS

James Novac from the Palm Springs Unified School District School Board made a presentation regarding school bond measure T. We are encouraged to vote yes on this Measure, PSUD is bursting at the seams, the High School is overcrowded, James Workman is overcrowded, and this money is needed to build more schools and repair others.

Recognition of the Fire Prevention Week poster contest winners. Fire Battalion Chief Mike Hatfield made presentation to the poster contest winners that were in attendance with their families. All of youngsters had their picture taken in their fire helmets showing their prizes.

Mayor Stettler had a Proclamation declaring the week of October 8th through October 17th as "Binational Health Week."

Council Member Bud England read into the record the Proclamation declaring September 15th through October 15th as "Hispanic Heritage Month."

Deputy City Attorney complimented the children and parents, saying the children waited well over an hour for their recognition of the fire Prevention Week poster contest winners and they were very well behaved.

CONSENT AGENDA

Council Member moved approval of the Consent Agenda, motion seconded by Mayor Pro Tem Pettis, motion carried **5-0, except Items 1, 2, 3**, which received a vote of **4-1**, with Council Member DeRosa voting in the negative.

1. Adopted proposed resolution of the City Council for the City of Cathedral City, approving the borrowing of funds by the Cathedral City Redevelopment Agency from the Cathedral City Public Financing Authority by the issuance of 1995 Tax Allocation agency bonds and providing other matters properly related thereto **by Resolution No. 2004-94..**
2. Adopted proposed resolution of the Public Financing Authority, supplementing **Resolution No. PFA 2004-1** to accord with the determination by the Cathedral City Redevelopment Agency to evidence borrowing by the

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- issuance of bonds rather than the incurrence of loans, authorizing and directing execution of related indentures of trust and providing other matters relating thereto, **by Resolution No. PFA2004-14.**
3. Adopted proposed resolution of the Cathedral City Redevelopment Agency, supplementing **Resolution No. R-384** to evidence borrowing by the issuance of bonds rather than the incurrence of loans, authorizing and directing execution of related indentures of trust and providing other matters relating thereto, **y Resolution No. R-388**
 4. Received and filed report of Cathedral City Senior Center Quarterly Report **by Minute Order # 3774.**
 5. Received and filed report of Cathedral City Boys and Girls Club Quarterly report, relative to the fiscal year 04-05 community service provider agreement **by Minute Order #3775.**
 6. Tract 29742-1: Approved final tract map: Located on the west side of Landau Boulevard., north of Ramon Road; (Planned Unit Development PUD 01-09: Cimarron Cove Partners, LLC: Sub divider)**by Minute Order # 3776.**
 7. Approved amendment number one of the Cathedral City –CVAG “Mid-Valley Parkway Phase I” reimbursement agreement **by Minute Order #3777.**
 8. Approved increase of contract amount for topographical mapping for 57 acres near the Dream Homes area **by Minute Order #3778.**
 9. Approve extension of the term of the Lease with Desert Hockey Association for the former Heilig-Meyers building on East Palm Canyon Drive through February 28, 2005. **This item pulled and rescheduled to October 27, 2004 meeting by Minute Order #3779.**

PUBLIC HEARINGS

There were no Public Hearings,

LEGISLATIVE ACTION(S)

10. Approval to award a contract with Yeager Skanska, Inc., to construct the BCN offsite infrastructure improvements project.

There was a brief report by Bill Bayne, Interim City Engineer with input from City Manager Don Bradley.

Public Comments were opened and closed without comment.

Mayor Pro Tem Pettis moved approval to award contract, motion seconded by Council Member Marchand, motion carried **5-0 by Minute Order # 3780.**

11. Request for authorization to execute a professional services agreement with James R. Peters Construction Management to provide construction inspection services for the BCN offsite Infrastructure Project.

There was a brief report by Bill Bayne, Interim City Engineer.

Public Comments were opened and closed without comment.

Council Member Marchand moved approval to execute agreement, motion seconded by Mayor Pro Tem Pettis, motion carried **5-0 by Minute Order # 3781.**

12. Authorization for staff to execute a service provider agreement with Ninyo and Mnere, Geotechnical and Environmental Science Consultants to provide Soils and Materials Testing Services for the BCN offsite Infrastructure Improvements Project.

There was a brief report by Bill Bayne, Interim City Engineer.

Public Comments were opened and closed without comment.

Council Member Marchand moved approval, motion seconded by Council Member England, motion carried by **5-0 by Minute Order # 3782.**

13. Authorization to execute a professional services agreement, receive bids for demolition contractor for the abatement and demolition of structures and roads related to the BCN Project.

There was a brief report by the Redevelopment Project Manager Jim Cleary. The City Manager answered questions with regard to the recycling center located in this area and how we could best camouflage it, and it was suggested that we take another look at it, and not have material above the fence line.

Public Comments were opened and closed without comment.

Council Member Marchand moved approval, motion seconded by Council Member England, motion carried **5-0, by Minute Order 3783.**

14. Amendment to Volvo Disposition Development Agreement (DDA).

There was a brief report by Paul Shillcock, Economic Development Director

explaining that this was an amendment to the DDA with Cathedral City Properties relative to reimbursement of costs for required street improvements completed in conjunction with the expansion of the Volvo Dealership to accommodate a Subaru franchise.

Council Member DeRosa wanted to know about the fiscal impact of \$150,000 and Mr. Shillcock advised that they should also have a contingency, that costs could be higher.

Council Member DeRosa moved approval with an up to \$150,000 with a 10% contingency, otherwise the item would have to come back to Council for approval, motion seconded by Council Member England, motion carried **5-0, by Minute Order # 3784.**

15. Proposed resolution of the City Council for the City of Cathedral City, a resolution of intention to vacate a public un-named street approximately 100 feet long, intersecting the west side of Perez Road, south of East Palm Canyon Drive. Vacation No. 2004-01.

There was a brief report given by Jerry Jack Interim Public Works Director.

Public Comments were opened and closed without comment.

Council Member Marchand moved approval, motion seconded by Council Member England, motion carried **5-0, by Resolution No. 2004-95**

16. Proposed resolution of the City Council for the City of Cathedral City, declaring portions of certain lands owned by the City of Cathedral City to be dedicated for public highway and public utility purposes.

There was a brief report given by Jerry Jack Interim Public Works Director.

Public Comments were opened and closed without comment

Council Member Marchand moved approval, motion seconded by Mayor Pro Tem Pettis, motion carried **5-0 by Resolution No. 2004-96.**

17. Approval of the 2004 LLEBG Block Grant expenditure proposal.

There was a report by Police Chief Henry advising that they were going to use State grant money as the matching funds. He also advised that they had an Advisory Board and that they had to meet certain requirements.

Public Comments were opened and closed without comment.

Council Member Marchand moved approval, motion seconded by Mayor Pro Tem

Pettis, motion carried **5-0 by Minute Order # 3785.**

18. Consideration to enter into new Animal Control Field Services Contract with Riverside County.

There was an extensive report by Police Captain John Holcomb.

Mayor Stettler opened the floor to Public Comments

Bill Cohen – Cathedral City. “the poor animals didn’t ask to be here, lets do something right, I’m in support of this.”

Seeing no one else wishing to speak, Mayor Stettler closed Public Comments.

Mayor Pro Tem Pettis moved approval, motion seconded by Council Member England, motion carried **5-0, by Minute Order # 3786.**

19. Approval of resolution of intention to initiate formation and authorize for the proposed Landau Manor Landscape and Lighting District (LLD No. 18)

There was a report by Donald Bradley advising that if this item is approved, the ballots will go out to the homeowners late this week and they would be counted on December 8, 2004.

Public Comments were opened and closed without comment.

Council Member Marchand moved approval, motion seconded by Council Member England, motion carried **Resolution No. 2004-97, 2004-98, and 2004-99.** Council Member DeRosa wanted the record to reflect that while she voted for this, she is not in favor of this manner of assessment, and would prefer that the assessments be made city wide.

COUNCIL REPORTS ON CITIZEN INQUIRIES AND CONCERNS.

ADJOURNMENT

Hearing no further business to come before this Council, meeting was adjourned at 8:25 p.m.

Pat Hammers, City Clerk